

Application No. 10/668,940

Response to Non-Final Office Action of June 25, 2007

### **REMARKS / ARGUMENTS**

#### *Double Patenting*

In the Office Action mailed June 25, 2007, claims 17–36 were provisionally rejected for obviousness-type double patenting over conflicting claims in applicant's nine copending applications 10/782043, 10/791042, 10/794631, 10/803385, 10/875664, 10/987733, 11/004217, 11/039768, and 11/039768. Claims 1–36 have been canceled in the present application and therefore the issue of whether they may have been in conflict with any claims in the nine copending applications is now moot.

Claims 37–51 in the present application are limited to transmission of passageway status data that is not claimed in any of the nine applications:

10/782043    Status data for passageway availability is not claimed.

10/791042    Status data for passageway availability is not claimed.

10/794631    Status data for passageway availability is not claimed.

10/803385    Status data for passageway availability is not claimed.

10/875664    Status data for passageway availability is not claimed.

10/987733    Status data for passageway availability is not claimed.

11/004217    Status data for passageway availability is not claimed.

11/039768    Status data for passageway availability is not claimed.

11/039769    Status data for passageway availability is not claimed.

A clear line of demarcation between the applications will be maintained.

The Office Action mailed June 25, 2007 questioned why applicant did not present claims corresponding to those of the instant application during prosecution of the application which matured into a patent (US 6,921,336 or 6,966,837). The present pending claims 17–36 are directed to a different species than claimed in either of those earlier prosecutions, and therefore the issue is moot.

### *Claim Objections*

In the Office Action mailed June 25, 2007, claims 29 and 36 were objected to under 37 CFR 1.75(c) as being of improper dependent form. Applicant has canceled claims 29 and 36 and not submitted similar claims and therefore the issue is moot.

### *Claim Rejections - 35 USC §103*

In the Office Action mailed June 25, 2007, claims 17–36 were rejected under 35 U.S.C 103 as obvious over Honda (US 6,570,563) in view of Sasaki (US 5,577,960).

In response to the Office Action, applicant has canceled claims 17–36 and herewith submits new narrower claims 37–51 which more clearly define the invention.

Claims 37–51 are now pending.

As now applied to applicant's pending claim 37, the combination of Honda and Sasaki teaches a multiplayer game system including (a) separately housed first and second game apparatus that generate polygon graphics representations of a 3D player object in a simulated 3D game world, (b) rendering the polygon data from different viewpoints, (c) generating data that specify variable locations of the player object, (d) a data transmission link between the two game systems for transmission

of data bidirectionally between the two game apparatus, and (j) generating picture data for display on a display device. The combination of Honda and Sasaki also teaches transmission of data through a data transmission link that indicates that an avatar (player object) has been made to enter or exit a virtual space and also indicates changes to the “states” or status of the player object (col 2, lines 21–38).

Lacking in the combination of Honda and Sasaki is (e), (f), (h), (k) transmission of changes to status or states of holes or gaps or passageways through rock or buildings (what Honda refers to as “basic objects”), especially as to whether the status or attribute of the passageway has a value of “available for passage” or “unavailable for passage”.

Honda teaches away from applicant’s invention as follows (col 2, lines 38–46):

“Unlike the update objects, objects representing buildings for example which constitute a town in a virtual reality space are commonly used by a plurality of users, the basic states of such objects remaining unchanged. Even if their states change, such a change is autonomous; namely, the change takes place independently of the operation made on a client terminal. These objects which are used by a plurality of users are hereinafter appropriately referred to as basic objects.”

Miyamoto et al. (US 6,267,673) discloses a game system that generates a door or passageway (a) (e) (f) (g) (h) (i) (j) (k) that has a status of available (such as unlocked) or unavailable (such as locked) and generates a player character that may (j) pass through the passageway if the passageway is available for passage. A passageway that is previously unavailable for passage may have a status change and become available if the player character has a key or acquires a predetermined number of stars.

The proposed combination of Honda, Sasaki, and Miyamoto teaches linking two game systems for transmission of player character status data, and generating a virtual passageway that may be available or unavailable.

However, the proposed combination of Honda, Sasaki, and Miyamoto does not show, describe, or remotely suggest that a passageway status of available or unavailable may be determined by a first game system from (f) (h) status data received from a second game system through a data transmission link.

The proposed combination of Honda, Sasaki, and Miyamoto does not show, describe, or remotely suggest that a passageway status of available or unavailable may be requested by (e) transmission of data to a second game system through a data transmission link.

The proposed combination of Honda, Sasaki, and Miyamoto does not show, describe, or remotely suggest that a passageway status of available or unavailable may be (i) changed by status data received from a second game system through a data transmission link.

The proposed combination of Honda, Sasaki, and Miyamoto does not show, describe, or remotely suggest that the status of a player object having passed through a passageway may be reported (k) by transmission of status data to a second game system through a data transmission link.

The proposed combination of Honda, Sasaki, and Miyamoto does not teach or suggest all of the claim limitations in elements (e), (f), (h), (i), and (k) in applicant's claim 37.

The limitations of applicant's claim 37 are neither taught nor suggested in the combined teachings of Honda, Sasaki, and Miyamoto.

In order to establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The proposed combination of Honda, Sasaki, and Miyamoto fails to teach or suggest all of the claim limitations. Therefore, a *prima facie* case of obviousness has not been established.

Arguments directed to pending claim 37 may also be directed to other pending claims and claims dependent thereon.

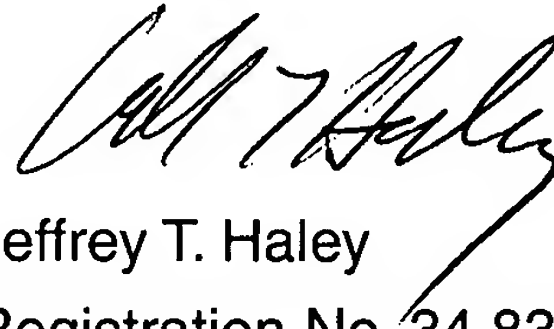
Applicant's dependent claims are dependent on pending independent claims that are believed to be allowable, and therefore the reasons given in the recent Office Action for rejection of the dependent claims are moot.

For the above reasons, applicant submits that the present pending claims define an invention that was novel, non-obvious, and a significant advance over the prior art on his priority date. A favorable decision is respectfully requested.

Applicant requests that Fig. 19 be the representative drawing.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP

A handwritten signature in black ink, appearing to read "Jeffrey T. Haley", is positioned above the printed name.

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